

## Message Text

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ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 SCS-03 CPR-01 IO-10 PPT-01

SAJ-01 CIAE-00 DODE-00 PM-03 H-01 INR-07 NSAE-00

NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15 USIA-06 /074 W

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P R 011139Z FEB 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 7659

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

AMEMBASSY BERLIN

USMISSION USBERLIN

AMEMBASSY VIENNA

C O N F I D E N T I A L BONN 01755

E.O. 11652: GDS

TAGS: PGOV, PFOR, CONS, GW, GE, AU

SUBJECT: CONSULAR AGREEMENTS WITH GDR

REF: BONN 1369

1. THE AMBASSADOR QUERIED FONOFF POLITICAL DIRECTOR VAN WELL, AT A MEETING ON JANUARY 30, ABOUT THE PROBLEMS OF WESTERN STATES' NEGOTIATION OF CONSULAR AGREEMENTS WITH THE GDR IN THE LIGHT OF FRG NATIONALITY LAW. THE AMBASSADOR SAID HE HAD HEARD EARLIER THAT THE FRG HAD REJECTED AS UNSATISFACTORY A BRITISH PROPOSAL FOR AN EXCHANGE OF LETTERS BETWEEN THE FRG AND UK GOVERNMENTS DESIGNED TO MEET WEST GERMAN NEEDS. IF THIS WAS THE CASE, THE AMBASSADOR ASKED, WHAT WERE THE MINIMUM FRG REQUIREMENTS?

2. VAN WELL REPLIED THAT THE FRG HAD NOW IN FACT ACCEPTED THE BRITISH PROPOSAL. THE FRG'S FIRST PRE-CONFIDENTIAL

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REFERENCE, PARTICULARLY WITH RESPECT TO THE THREE

WESTERN POWERS OCCUPYING A SPECIAL POSITION VIS-A-VIS THE FEDERAL REPUBLIC AND BERLIN, HAD BEEN THAT THERE BE NO RECOGNITION OF AN "EAST GERMAN NATIONALITY " IN THEIR CONSULAR AGREEMENTS WITH THE GDR. THE BRITISH HAD SAID THIS WAS NOT POSSIBLE. THE FRG HAD THEREFORE ACCEPTED THE IDEA OF AN EXCHANGE OF LETTERS STATING, IN ESSENCE, THAT THE UK'S CONSULAR AGREEMENT WITH THE GDR WOULD NOT AFFECT THE RIGHT OF THE FRG TO PROVIDE CONSULAR SERVICES TO GERMANS IN ACCORDANCE WITH ARTICLE 116 OF THE FRG'S BASIC LAW OR TO GERMANS WHO SO REQUEST.

3. COMMENT: IN A SEPARATE DISCUSSION WE LEARNED FROM THE FOREIGN OFFICE THAT THE DISCUSSIONS WITH THE BRITISH ARE PROCEEDING TO THE GERMANS' SATISFACTION ON THE BASIS OF AN EXCHANGE OF LETTERS WHICH THE FRG WOULD BE ABLE TO USE IN PUBLIC IN SUPPORT OF THEIR POLITICAL AND LEGAL POSITION ON THE NATIONALITY QUESTION. APPARENTLY THE GERMANS HOPE TO BE ABLE TO USE THE RESULTS OF THEIR DISCUSSIONS WITH THE BRITISH IN THE CONVERSATIONS WHICH GENSCHER WILL HAVE IN VIENNA EARLY NEXT MONTH ON THE MARGIN OF THE OPERA BALL WHICH HE WILL ATTEND. WE HAVE THE IMPRESSION, HOWEVER, THAT BONN EXPECTS DIFFICULTIES WITH THE AUSTRIANS. FOR ONE THING, THE AUSTRIANS APPARENTLY DO NOT FAVOR AN EXCHANGE OF LETTERS, BUT RATHER SOME KIND OF UNILATERAL AUSTRIAN STATEMENT WHICH, IN GERMAN EYES, WOULD BE LESS BINDING. SECONDLY, THE GERMANS ARE NOT AT ALL SURE THE AUSTRIANS WOULD BE PREPARED TO LET THEM USE ANY STATEMENT PUBLICLY, AND THIS IS A KEY POINT FOR BONN. END COMMENT

4. INTERESTINGLY ENOUGH, VAN WELL (WHO HAS BEEN VERY HEAVILY OCCUPIED WITH EC AFFAIRS OVER THE PAST TEN DAYS) SEEMED TO BE UNAWARE THAT THE OPENING OF US-GDR NEGOTIATIONS ON A CONSULAR AGREEMENT HAD ALREADY BEEN SCHEDULED. IN LIGHT OF STATE 21037, THE AMBASSADOR TOLD VAN WELL THAT WE WOULD SOON BE RAISING A NUMBER OF DETAILED POINTS WITH THE FRG RELATING TO OUR OWN FORTHCOMING NEGOTIATIONS WITH CONFIDENTIAL

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THE GDR.  
HILLENBRAND

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## Message Attributes

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